

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA

VS.

SCOTT BURNS

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§

CRIMINAL NO. H-14-596

**ORDER OF DETENTION PENDING TRIAL**

On December 9, 2014, this Court conducted a hearing on the government's Motion to Detain **Scott Burns**, the named Defendant in the above-styled and numbered cause. The Government offered the testimony of Dewayne Lewis, Special Agent with the Office of Homeland Security. The Defendant proffered evidence of his family's support. The Court also made the Pretrial Services report, which had recommended release, a part of the record for purposes of the detention hearing only. Having now considered the evidence, the initial recommendation of the Pretrial Services Agency, and the arguments of counsel, this Court issues the following findings of fact and conclusions of law:

1. That pursuant to the indictment there is probable cause to believe that **Burns** has committed the offenses of receipt and possession of child pornography in violation of 18 U.S.C. § 2252(A)(a)(2)(B) and (5)(B);
2. That by virtue of the foregoing finding a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person in the community was created in favor of **Burns'** detention, 18 U.S.C. § 3142(e);
3. That the strength of the government's case is substantial given **Burns'** confessions and the forensic discovery of evidence of his extensive posting and trading of hundreds of images of child pornography;

4. That **Burns**, a former art teacher at Alvin High School, is still being investigated for possible criminal charges stemming from the discovery of images on his computer of two females who are his former students;
5. That no evidence offered by **Burns** rebuts the presumption for detention as a danger to the community if **Burns** were to be released;
6. That the credible evidence and information submitted establishes by clear and convincing evidence that there is no condition or combination of conditions which could be imposed upon **Burns** by this Court to reasonably assure the safety of the community if he were released.

It is, therefore, **ORDERED** that **Scott Burns** be, and he is hereby, committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

It is further **ORDERED** that the **Scott Burns** shall be afforded a reasonable opportunity for private consultation with defense counsel.

It is further **ORDERED** that upon Order of a Court of the United States or upon request of an attorney for the Government, the person in charge of the corrections facility shall deliver the **Scott Burns** to the United States Marshal for the purpose of an appearance in connection with a Court proceeding.

**DONE** at Galveston, Texas, this 11<sup>th</sup> day of December, 2014.

  
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JOHN R. FROESCHNER  
UNITED STATES MAGISTRATE JUDGE